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Foreword

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FOREWORD

DEAN PATRICIA E. ROBERTS*

Thank you for offering me a seat at the table. In my first year as the 10th dean of St. Mary's University School of Law, the idea that we are all part of the table set by the Marianists resonates in every decision I make and the goals we are setting together.

Since my arrival, I regularly encounter the Marianist spirit, a welcoming, inclusive "atmosphere of congeniality."¹ It is one of the characteristics that called me to St. Mary's initially, the idea that this is a family and that all are invited to sit at the table, a round one with no hierarchy, only equality. Given that we are a Hispanic-serving institution focused on equality around a table, diversity, equity and inclusion are not new concepts for us; they are ever-present as part of the Marianist spirit.

* Patricia E. Roberts is the tenth dean of St. Mary's University School of Law. A legal educator for two decades, her work as a clinical professor involved supervising law students while providing pro bono assistance to those in need. Roberts practiced law for eight years after earning her law degree from William & Mary. She returned to her alma mater as a Clinical Professor of Law and Director of Clinical Programs, ultimately serving as Vice Dean prior to becoming the Dean at St. Mary's in 2020. Roberts has been a nationwide leader in access to justice issues and legal efforts to aid veterans. She was the inaugural President of the Board of the National Law School Veterans Clinic Consortium and created Military Mondays, which provides advice and counsel to veterans in multiple Starbucks locations nationally. She helped lead ABA efforts in support of veterans and served on the Virginia State Bar's Access to Justice Pro Bono Committee and Section on Legal Education Board of Governors. Roberts is a Fellow in both the American Bar Foundation and the Virginia Law Foundation. She was recognized as one of the Influential Women of Virginia and as a William & Mary Woman of Influence.

1. Melba Fisher, *Setting the Marianist Table: A Metaphor for All Things Marianist*, (Sept. 25, 2012), <https://www.marianist.com/files/2012/10/Marianist-table-Melba-Fisher.pdf> [<https://perma.cc/E4YH-BQ93>].

This spirit was born from Catholic traditions and the grace of Mary, but the table is open to all faiths, cultures, and viewpoints.

It is our privilege and our duty to share this Marianist spirit beyond our campus, to set our round table of remembrance and celebration, to shine light into darkness, to serve others, to model love and respect, and to set other tables.² We do this through the Marianist mission of service, justice, and peace that permeates our curriculum and our perspective. Essential in answering the call to serve as a law school dean was finding a place where the entire law school community is dedicated to helping others, a place where the responsibility of service is weaved into the mission and curriculum, both in and out of the classroom. I found it here, at St. Mary's University School of Law. Here, access to justice is paramount in our exploration of issues of race and social justice in *The Scholar*, in the Civil, Criminal, Immigration and Human Rights clinics, in the pro bono commitment of the Center for Legal and Social Justice, and in the manner in which our students, faculty, staff, and alumni serve their communities as well as and each other.

In this time of pandemic, when our shared humanity highlights both the similarities in our priorities across the globe, but also stark differences in socioeconomic status and the privilege with which we face these priorities, we are profoundly aware that income inequality impacts the ability to obtain access to justice. Without such access, cycles of poverty cannot be broken. These cycles often create deprivation of basic human rights, deprivation that can lead to civil and criminal unrest among the most vulnerable among us, and only furthers the inequality they experience in daily life. It is shameful that more than 85% of people living below the poverty line, and a majority of middle-income Americans, receive no meaningful assistance when facing critical civil legal issues such as health care, child custody, debt collection, eviction, and foreclosure.³ Law schools, the bench and bar, and their future members can help restore the aspiration of equal justice. "Equal justice under law is not merely a caption on the facade of the Supreme Court building; it is perhaps the most inspiring ideal of our society. It is one of the ends for which our entire legal system exists . . . it is fundamental that

2. *Id.*

3. LEGAL SERVICES CORP., THE JUSTICE GAP: MEASURING THE UNMET CIVIL LEGAL NEEDS OF LOW-INCOME AMERICANS (2017).

justice should be the same, in substance and availability, without regard to economic status.”⁴

In addition to socioeconomic inequality in obtaining access to justice, we have inherited a lack of diversity among members of the bench and bar tasked with providing that access. St. Mary’s University School of Law proudly provides access to the profession for those who are representative of our population but historically underrepresented in the bench and bar. Consider that while women are more than half of the population, only 35% of attorneys are women, and that Blacks and Latinos are more than a third of the population, but approximately only 10% of them are attorneys.⁵ Although the percentage of lawyers who are racial or ethnic minorities—Hispanic, African American, Asian, Native American, and mixed-race—grew slowly over the past decade, White men and women are still overrepresented in the legal profession compared with their presence in the overall U.S. population.⁶ St. Mary’s University School of Law includes in its purpose creating a pathway for students from underrepresented backgrounds, and supporting them appropriately while in law school to help create a bench and bar reflective of our population.

As I welcomed our incoming class in 2020, I implored them to remember that being a lawyer is an immense responsibility; that their clients will come to them in some of their darkest moments. I remind them that people trust their lawyers with their lives and their livelihoods, and that they deserve respect, compassion, and zealous advocacy; I urge them to be a light in their clients’ darkness. St. Mary’s University School of Law has a “Passion for Compassion,”⁷ and the faculty, staff, and students we attract are kindred spirits in the Marianist mission of service, justice, and peace.

4. Lewis F. Powell, Jr., U.S. Supreme Court Justice, Legal Services for the Poor—Looking Ahead, Address for the Legal Services Corporation: A Presidential Program of the Annual Meeting of the American Bar Association (Aug. 10, 1976).

5. *ABA Model Diversity Survey*, AM. BAR ASS’N, <https://www.americanbar.org/groups/diversity/DiversityCommission/model-diversity-survey/> [<https://perma.cc/FQ2N-TWEL>].

6. Nicole Black, *Survey Results: Lawyer Demographics in 2020*, MY CASE, <https://www.my.case.com/blog/2020/10/survey-results-lawyer-demographics-in-2020/#:~:text=Diversity%20in%20the%20lawyer%20population&text=The%20percentage%20of%20lawyers%20who,2010%20to%2014.1%25%20in%202020> [<https://perma.cc/P7BS-UGQ5>].

7. Email from Danielle E. Throneberry, J.D. Candidate 2023, St. Mary’s University School of Law, to author (Sept. 9, 2020) (on file with the author) (stating one of the reasons she selected St. Mary’s as her law school).

In the divisive times we find ourselves in as a nation, we must remember that it is often the Rule of Law that is the only thing protecting democracy and fundamental rights, including human rights, whether in our backyard or on a global scale. That Rule of Law must be equally accessible to all and upheld by a profession representative of the people it governs. “Every time we turn our heads the other way when we see the law flouted, when we tolerate what we know to be wrong, when we close our eyes and ears . . . [and] fail to speak up and speak out, we strike a blow against freedom, decency and justice.”⁸ At law schools across the country, we must remember that the work we are called to do, training tomorrow’s lawyers and judges to speak up and speak out, is essential to a just society and our honorable profession.

The students who founded *The Scholar: St. Mary’s Law Review on Race and Social Justice* were inspired to speak out when underrepresented groups were being marginalized on a federal and state level, and there existed a need to give a “voice to the voiceless,” those disenfranchised and discriminated groups who otherwise had few allies speaking up and speaking out on their behalf. In continuing to fulfill that mission, *The Scholar* shines light on issues impacting the voiceless, featuring legal discourse meant to inform, educate, and inspire change.

We must find a way to ensure that problem-solving in the difficult issues impacted by race and social justice includes many voices. We must gather at round tables, not across aisles or in front of daises, and celebrate our differences, utilizing diverse viewpoints to inform our work and the evolution of the law. At the 2021 presidential inauguration, Amanda Gorman, National Youth Poet Laureate, spoke of unity with purpose, of closing the divide “because we know to put our future first, we must first put our differences aside.”⁹ She charged us to be “brave enough to see [the light and] . . . brave enough to be it.”¹⁰ The Marianist foundation on which St. Mary’s University School of Law is built, embodied in *The Scholar’s* continued commitment to the disenfranchised, provides us the inspiration, wisdom, and strength to be brave in these challenging times and to be the light for the most

8. Robert F. Kennedy, Jr., Day Of Affirmation Address, given at University of Cape Town, South Africa (June 6, 1966).

9. Amanda Gorman, Inaugural poet, The Hill We Climb, President Joe Biden’s Swearing-In Ceremony (Jan. 20, 2021).

10. *Id.*

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vulnerable and underrepresented. When we set a table of equality and inclusiveness, and, in fulfillment of the Marianist mission of service, justice and peace, welcome all who join us with respect, they will feel as much like a member of the St. Mary's family as I do now.

The St. Mary's family is committed to protecting the rights of the underrepresented, being a voice to the voiceless, and shining a light on the inequities prevalent in social justice. This issue of *The Scholar* is demonstrative of that commitment and is your invitation to join the discussion. We have reserved you a seat at our table.